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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

RAED SWEIS,

Plaintiff,

v.

ROBERT MUELLER III, Director,
 Federal Bureau of Investigations;
 MICHAEL CHERTOFF, Secretary,
 Department of Homeland Security;
 DAVID STILL, District Director, U.S.
 Citizenship and Immigration Services (USCIS);
 EMILIO GONZALEZ, Director, USCIS
 TERRY RICE, San Francisco Field Office
 Director, USCIS,

Defendants.

No. C 07-2044 MEJ

STIPULATION TO TRANSFER VENUE OF
 ACTION TO EASTERN DISTRICT OF
 CALIFORNIA; AND ~~PROPOSED~~ ORDER

[28 U.S.C. § 1406(a)]

This is an action arising under 8 U.S.C. § 1447(b). Plaintiff, a resident of Rancho Cordova, California, alleges that he attended a naturalization examination on March 15, 2006, but his application remains adjudicated.

Pursuant to 8 U.S.C. § 1447(b), if there is failure to make a naturalization determination 120 days or more after the date of a naturalization examination, the applicant may apply to the United States District Court for the district in which the applicant resides for a hearing on the matter.

Rancho Cordova, California is located in Sacramento County, in the Eastern District of

1 California. 28 U.S.C. § 84(a). Accordingly, venue for this action is proper in the Eastern District,
2 but not in this District.

3 The parties to this action, by and through their attorneys, hereby stipulate and request of the
4 Court that this action should be transferred to the Eastern District of California pursuant to 28
5 U.S.C. § 1406(a). Section 1406(a) provides:

6 The district court of a district in which is filed a case laying in venue in the wrong division
7 or district shall dismiss, or if it be in the interest of justice, transfer such case to any district
8 or division in which it could have been brought.

9 Because venue is proper only in the Eastern District, the parties believe that the interests of justice
10 require that this action be transferred to the United States District Court for the Eastern District of
11 California.

12 In addition, the time for a response to the complaint has not yet run, and in view of the
13 uncertainty as to when this action will be docketed and assigned to a judge in the Eastern District
14 of California, the parties further stipulate and request of the Court that the time for the Defendants
15 to answer, move, plead or otherwise respond to the Complaint should be extended to 40 days after
16 the date the action is docketed and assigned to a judge in the Eastern District of California.

17 Date: May 31, 2007

Respectfully submitted,

18 SCOTT N. SCHOOLS
19 United States Attorney

20 _____/s/_____
21 ILA C. DEISS
22 Assistant United States Attorney
23 Attorneys for Defendants

24
25
26 Date: May 31, 2007

27 _____/s/_____
28 ELIAS Z. SHAMIEH
Attorney for Plaintiff

ORDER

The foregoing stipulation is approved and this action is hereby transferred to the United States District Court for the Eastern District of California, the judicial district in which this case should have been brought. The time for Defendants to answer, move, plead or otherwise respond to the Plaintiff's Complaint shall be extended to 40 days after the action is docketed, and a judge assigned, in the Eastern District of California. IT IS SO ORDERED.

Date: June 5, 2007



MARIA ELENA JAMES
United States Magistrate Judge